

9 FAM 41.102 PERSONAL APPEARANCE OF APPLICANT

(TL:VISA-2 8-30-87)

(a) Personal Appearance Required or Waived

Except as otherwise provided in this section, every alien seeking a nonimmigrant visa is required to apply in person before a consular officer. The requirement of personal appearance may be waived by the consular officer in the case of any alien who is:

- (1) A child under 14 years of age;
- (2) Within a class of nonimmigrants classifiable under the visa symbols A, C-2, C-3, G, or NATO;
- (3) An applicant for a diplomatic or official visa;
- (4) Within a class of nonimmigrants classifiable under the visa symbols B, C-1, H-1, or I;
- (5) Within a class of nonimmigrants classifiable under the visa symbol J-1 who qualifies as a leader in a field of specialized knowledge or skill and also is the recipient of a U.S. Government grant, and such an alien's spouse and children qualifying for J-2 classification;
- (6) An aircraft crewman, applying for a nonimmigrant visa under the provisions of INA 101(a)(15)(D), if the application is supported by a letter from the employing carrier certifying that the applicant is employed as an aircraft crewman, and the consular officer is satisfied that the personal appearance of the alien is not necessary to determine visa eligibility; or
- (7) A nonimmigrant in any category, provided the consular officer determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

(b) Interview by Consular Officer

Except when the requirement of personal appearance has been waived by the consular officer pursuant to paragraph (a) of this section, each applicant for a nonimmigrant visa must be interviewed by a consular officer, who shall determine on the basis of the applicant's representations and the visa application and other relevant documentation (1) the proper nonimmigrant classification, if any, of the alien and (2) the alien's eligibility to receive a visa.

9 FAM 41.102 Related Statutory Provisions

INA 222(e), in part

(e) Except as may be otherwise prescribed by regulations, each application required by this section shall be signed by the applicant in the presence of the consular officer,...